

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LETICIA VICTORIA PELAEZ,

Plaintiff,

v.

MCT GROUP, INC.,

Defendant.

Case No. 2:10-CV-00733-KJD-VCF

**ORDER**

Before the Court is Plaintiff Leticia Victoria Pelaez's Motion for Voluntary Dismissal (#30). No opposition has been filed.

The parties in this matter have reached a settlement. On August 26, 2011, Defendants paid Plaintiff pursuant to the agreed settlement. Plaintiff's counsel prepared a stipulation and order for dismissal with prejudice, but have been unsuccessful in obtaining a signature from Defendant. Apparently Defendant's local counsel Stephenson & Dickinson, P.C. and its California counsel, Carlson and Messer, LLP, have had a "falling out." Local counsel has filed a motion to withdraw from the case.

1 Fed. R. Civ. P. 41(a)(2) provides for dismissal by order of the Court and states:

2 (2) Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's  
3 request only by court order, on terms that the court considers proper. If a defendant  
4 has pleaded a counterclaim before being served with the plaintiff's motion to dismiss,  
5 the action may be dismissed over the defendant's objection only if the counterclaim  
6 can remain pending for independent adjudication. Unless the order states otherwise, a  
7 dismissal under this paragraph (2) is without prejudice.

8 This matter has settled and all parties have fully performed under the agreement. Because the parties  
9 would have stipulated to dismissal, and there is no controversy between the parties, dismissal is  
10 proper.

11 Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Motion for Voluntary Dismissal is  
12 **GRANTED.**

13 **IT IS FURTHER ORDERED** that this action is **DISMISSED** with prejudice.

14 DATED this 16th day of April 2012.

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17 Kent J. Dawson  
18 United States District Judge  
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